

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DANNY GREEN,**

**Plaintiff,**

**v.**

**No. 13-cv-0819 JCH/SMV**

**NEW MEXICO STATE POLICE DEP'T,  
BEN ARNOLD, and STATE OF NEW MEXICO,**

**Defendants.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. Plaintiff has failed to take any steps to prosecute his claims since December 12, 2013, when he filed returns of service for Defendants State Police and State of New Mexico.<sup>1</sup> See [Doc. 9] at 7–12. Accordingly, Plaintiff must show good cause within 30 days why this action should not be dismissed without prejudice pursuant to D.N.M.LR-Civ. 41.1 (allowing for dismissal where the plaintiff takes no steps to move its case forward for 90 days).

**IT IS THEREFORE ORDERED** that Plaintiff show cause no later than **April 11, 2014**, why this action should not be dismissed without prejudice for failure to prosecute under D.N.M.LR-Civ. 41.1.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**

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<sup>1</sup> Plaintiff erroneously filed these returns of service in state court, even though the case had been removed more than three months prior. [Docs. 1, 9]. Plaintiff's counsel reports that he realized the mistake when, in the file, he discovered the Court's Order to Show Cause why Defendant Arnold should not be dismissed for lack of service. *Id.* In response to that Order to Show Cause, Plaintiff filed the returns of service in this Court on February 5, 2014. *Id.* Other than these returns of service, Plaintiff has taken no steps to prosecute his case for more than 90 days.